

REMARKS

Applicant respectfully requests reconsideration and allowance for the above-identified application. Claims 1, 2, 4, 6, 8-13, 15-20, 22, and 23 remain pending.

Initially, Applicant and Applicant's attorney express appreciation to the Examiner and the Examiner's supervisor for the courtesies extended during the recent telephonic interview held on August 9, 2006. The following arguments submitted in this paper are consistent with those presented during the course of the interview.

The Office Action rejects claims 1, 13, and 20 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With regard to claims 1 and 13, as noted during the interview these claims were meant to be rejected under 35 U.S.C. § 112, first paragraph, as allegedly not complying with the written description requirement. Nevertheless, as pointed out during the interview and in the previous response, support for these claims can be clearly found throughout the specification; and more specifically, e.g., in the first full paragraphs on both pages 18 and 20 of the current application. Accordingly, Applicant respectfully submits that claims 1 and 13 are consistent with the disclosure; and therefore, Applicant respectfully requests withdrawal of this ground of rejection.

With regard to claim 20, the Examiner has objected to the phrase "unless a message is generated that needs to be transmitted to the client or unless the first (second) connection timeout period expires" as allegedly rendering the claim indefinite because "the claim includes elements not actually disclosed (those encompassed by 'A or B'), thereby rendering the scope of the

claims unascertainable." As noted in the interview, however, this alternative expression is similar to a Markush group listing with only two elements. As such, Applicant respectfully submits that listing alternative elements joined by the conjunction "or" is permissible provided the alternative elements themselves are clear. In the present case, Applicant submits that the phrase of parking a first/second HTTP-based request that will not be responded to unless a message is generated that needs to be transmitted to the client or unless a connection time-out period expires is clear and does not render this claim indefinite. As such, Applicant respectfully requests withdrawal of this ground of rejection as was agreed to during the recent interview.

Next, the Office Action rejects the current pending claims under 35 U.S.C § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,212,565 to Gupta ("*Gupta*") in view of U.S. Patent Application Publication No. 2002/0016839 A1 to Smith et al. ("*Smith*"). Applicant respectfully traverses this ground of rejection for at least the reason that the cited art does not disclose or suggest each and every element of the independent claims.

More specifically, as noted in the interview and as outlined in the Interview Summary, the cited art of record does not disclose or suggest "wherein an HTTP-based 'request' includes therein a request that a processor transmits a reply after the expiration of a time period even if there are no messages to send to a first processor" as generally claimed within the independent claims. Because it has been agreed that the cited art does not disclose or suggest each and every element of Applicant's independent claims, this cited art does not render the present application unpatentable.

Based on at least the foregoing reasons, Applicant respectfully submits that the cited prior art fails to anticipate or otherwise make obvious Applicant's invention as claimed for example, in independent claims 1, 13, and 20. Applicant notes for the record that the remarks above

render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable and Applicant reserves the right to do so.

All objections and rejections having been addressed, Applicant respectfully submits that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any questions arise in conjunction with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at 1-801-533-9800.

DATED this 15th day of September, 2006.

Respectfully Submitted,

/Wesley C. Rosander, Reg. # 51,030/
Wesley C. Rosander

RICK D. NYDEGGER
Registration No. 28,651
WESLEY C. ROSANDER
Registration No. 51,030
Attorneys for Applicant
Customer No. 047973